

**Minutes  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**October 14, 2010**

- I. CALL TO ORDER** - The meeting will be called to order at 1:32 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Mike Cravens, Vice Chair; Lynn Roche-Phillips (arrived at 1:34 PM); Marie Copeland (arrived at 1:45 PM); Ed Holmes; Mike Owens; William Wilson (arrived at 1:35 PM); Eunice Beatty (arrived at 1:33 PM); Carla Blanton and Patrick Brewer. Derek Paulsen was absent.

Planning Staff Present – Chris King, Bill Sallee, Barbara Rackers, Tom Martin, Chris Taylor, Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Department of Law; Jeff Neal, Traffic Engineering; and Bob Carpenter, Division of Building Inspection.

- II. APPROVAL OF MINUTES** – The Chair reminded the members that the Planning Commission meeting minutes of August 12, 2010, had been previously distributed to the Commission, and were ready to be considered at this time

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer and carried 6-0 (Roche-Phillips, Beatty, Wilson, Copeland, Paulsen absent) to approve the minutes of the August 12, 2010, meeting.

*Note: Ms. Beatty arrived at this time.*

- III. POSTPONEMENTS OR WITHDRAWALS** – The Chair asked if anyone in the audience or on the staff wished to make a request for postponement or withdrawal.

- a. DP 2010-46: L.T. RUTH PROPERTY (AMD) (10/31/10)\* - located at 1301 and 1351 Newtown Pike.  
(Council District 2) **(Vision Engineering)**

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2010-46 to the November 11, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Owens, and carried 7-0 (Roche-Phillips, Wilson, Copeland and Paulsen absent) to postpone DP 2010-46 to the November 11, 2010, Planning Commission meeting.

*Note: Ms. Roche-Phillips arrived at this time.*

- b. DP 2010-15: GESS PROPERTY, UNIT 8 (10/14/10)\* - located at 840 Hays Boulevard and 4115 Sperling Drive (a portion of).  
(Council District 7) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2010-15 to the November 11, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 8-0 (Wilson, Copeland and Paulsen absent) to postpone DP 2010-15 to the November 11, 2010, Planning Commission meeting.

*Note: Mr. Wilson arrived at this time.*

- c. DP 2010-54: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD.) (12/2/10)\* - located at 2000-2020 Harrodsburg Road and 644 Lane Allen. (Council District 10) **(Barrett Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement DP 2010-54 to the October 28, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Holmes, and carried 9-0 (Copeland and Paulsen absent) to postpone DP 2010-54 to the October 28, 2010, Planning Commission meeting.

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\* - Denotes date by which Commission must either approve or disapprove plan.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 7, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Eunice Beatty, Marie Copeland and Derek Paulsen. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Chris King, Bill Saltee, Tom Martin, Cheryl Gallt, Chris Taylor, Denise Bullock, Jim Duncan and Barbara Rackers, as well as Firefighter Allen Case, Division of Fire & Emergency Services and Rochelle Boland, Law Department. The Committee made recommendations on plans as noted.

*General Notes*

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
  - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
  - (3) no discussion of the item is desired by the Commission; and
  - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
  - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
  - (2) from the Planning Commission,
  - (3) from the audience, and
  - (4) from Petitioners and their representatives.

At this time, The Chair requested that the Consent Agenda items be reviewed. Mr. Saltee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of many of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. **PLAN 2010-99P: TUSCANY, UNIT 6, SECTION 1, LOTS 1 & 2 (12/2/10)\*** - located at 2599 Old Rosebud Road (a portion of). (Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote area in right-of-way in site statistics.
9. Denote source of contours.
10. Denote private utility providers.
11. Denote construction access.
12. Resolve the location of the stub of Old Rosebud Road into adjoining property.

2. **PLAN 2010-101F: ROMAN SOLDIER, UNIT 1-E, LOT 28 (AMD) (12/2/10)\*** - located at 3876 Sugar Creek Road. (Council District 4) **(Foster-Roland, Inc.)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility easements as required by the utility companies.
6. Correct property owner's certification.
7. Correct land surveyor's certification.
8. Correct Planning Commission certification.
9. Correct dimension of sanitary sewer easement on lot 28-B.

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10. Addition of private utility providers per Article 5-4(e) of the Land Subdivision Regulations.
11. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
12. Addition of property owner and developer's information.
13. Addition of relevant notes from previous plat.

3. PLAN 2010-102F: GESS PROPERTY, UNIT 6-D (12/2/10)\* - located at 840 Hays Boulevard (a portion of).  
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of exaction information to the approval of the Division of Planning.
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.

4. PLAN 2010-103F: GESS PROPERTY, UNIT 6-E (12/2/10)\* - located at 840 Hays Boulevard (a portion of).  
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of exaction information to the approval of the Division of Planning.
9. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.

5. PLAN 2010-104F: GESS PROPERTY, UNIT 6-F (12/2/10)\* - located at 840 Hays Boulevard (a portion of).  
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Revise cross-section "F-F."
10. Addition of exaction information to the approval of the Division of Planning.

6. PLAN 2010-105F: GESS PROPERTY, UNIT 6-G (12/2/10)\* - located at 840 Hays Boulevard (a portion of).  
(Council District 7) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Addition of exaction information to the approval of the Division of Planning.

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7. PLAN 2010-61F: HILLENMEYER PROPERTY, UNIT 1, PHASE I (12/29/10)\* - located at 2801 Sandersville Road.  
(Council District 2) **(Hall-Harmon Engineers)**

Note: The Planning Commission originally approved this plan on July 8, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas and steep slopes.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Denote 15' tree protection area, per preliminary subdivision plan.
10. Correct lot numbers to be consistent with remainder of plat (#204-210).
11. Certification of an amended Preliminary Subdivision Plan prior to the recordation of lots 18-21.

Note: The applicant has requested a continued discussion to reduce the building line from 30' to 20' as allowed in the R-3 zone.

The Subdivision Committee Recommended: **Approval**, subject to the previous conditions.

8. DP 2010-45: PALUMBO PROPERTY, TRACT A (HOPE CENTER) (10/31/10)\* - located at 299 Loudon Avenue.  
(Council District 1) **(Carman and Associates)**

Note: The Planning Commission postponed this plan at its September 9, 2010, meeting.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection plan.
  6. Division of Environmental Quality's approval of environmentally sensitive areas.
  7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
  8. Division of Fire's approval of emergency access and fire hydrant locations.
  9. Division of Waste Management's approval of refuse collection.
  10. Denote Final Record Plat designation.
  11. Denote stormwater detention area on plan (even if off site).
  12. Denote: There are no encroachments by the buildings into existing easements.
  13. Denote adjoining property owners' approval of off-site improvements and shared access.
  14. Document resolution of private easement conflicts.
9. DP 2010-53: BEAUMONT FARM, UNIT 12, LOTS 1 & 4 (AMD.) (12/2/10)\* - located at 3231 and 3251 Beaumont Centre Circle. (Council District 10) **(Barrett Partners)**

Note: The purpose of this amendment is to add two multi-purpose fields and a pavilion, and to reflect the construction of the Phase II parking lot and additional parking.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan.
  6. Department of Environmental Quality's approval of environmentally sensitive areas.
  7. Greenspace Planner's approval of the treatment of greenways and greenspace.
  8. Division of Fire's approval of new emergency access and fire hydrant locations.
  9. Division of Waste Management's approval of refuse collection locations.
10. DP 2010-55: OLLIE'S TROLLEY (MDR CENTERS, LLC) (AMD) (12/2/10)\* - located at 205 Southland Drive.  
(Council District 3) **(Midwest Engineers)**

Note: The purpose of this amendment is to add a miniature golf facility and revise the parking.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection plan.
  6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Division of Fire's approval of new emergency access and fire hydrant locations.
  8. Division of Waste Management's approval of refuse collection locations.
  9. Clarify number of new trees to be planted to meet minimum standards and retention of three existing trees.
  10. Denote the approval date of parking text amendment by the Urban County Council.
  11. Denote building dimension information with dashed lines.
  12. Clarify site statistics for compact parking (25 percent limit of the required).
  13. Remove "Storm drainage/detention note" from plan.
  14. Resolve the potential lighting for miniature golf facility.
  15. Revise zone-to-zone screening/buffer details to recognize existing 10' landscape easement.
  16. Resolve the need for a sidewalk from miniature golf facility to Southland Drive.
  17. Resolve the proposed detention (maintenance notes versus facilities).
  18. Resolve mini-golf structures, if any proposed in the floodplain area and within the 50' building line.
  19. Resolve improvements proposed in existing 10' landscape easement.
11. DP 2010-56: MAN O' WAR DEVELOPMENT, UNIT 2, SECTION 1, LOT 2-B (12/2/10)\* - located at 1875 Pleasant Ridge Road.  
(Council District 6) **(Vision Engineering)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Division of Fire's approval of new emergency access and fire hydrant locations.
  6. Division of Waste Management's approval of refuse collection locations.
  7. Denote stormwater management areas (off site).
  8. Denote Board of Adjustment's approval for a conditional use permit.
  9. Denote the additional dumpster screening per the preliminary development plan information.
  10. Reduce line weight for proposed signage and add note for Article 17.
12. DP 2010-57: TUSCANY, UNIT 6, SECTION 1, LOT 1 (12/2/10)\* - located at 2599 Old Rosebud Road (a portion of).  
(Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection plan.
  6. Division of Fire's approval of new emergency access and fire hydrant locations.
  7. Division of Waste Management's approval of refuse collection locations.
  8. Denote height of proposed building.
  9. Denote detention area.
  10. Denote use and dimensions of accessory structure.
  11. Denote area of proposed tree canopy.
  12. Correct or document open space to be provided.
  13. Correct the required parking per Article 8-12(n) of the Zoning Ordinance.
  14. Denote all proposed and existing easements.
  15. Label or identify the interior landscaping areas in parking lot.
  16. Identify the proposed uses of property (elderly housing, multi-family, etc.).
  17. Label dumpster location or add screening information.
  18. Resolve the timing of construction of street per preliminary subdivision plan.
  19. Resolve the timing of the dedication of public street(s).
13. DP 2010-59: MIRIAM E. AKIN PROPERTY (LEXINGTON HOME OWNERSHIP COMM, INC.) (12/28/10)\* - located at 163 and 165-167 Jefferson Street. (Council District 2) **(Sherman/Carter/Barnhart)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

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6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Division of Fire's approval of emergency access and fire hydrant locations.
  8. Division of Waste Management's approval of refuse collection.
  9. Clarify the termination of the proposed walkway between buildings.
  10. Clarify the use of the building envelope relative to the Jefferson Street orientation on Lot 167.
  11. Denote all variance conditions per the Planning Commission's approval.
  12. Denote that there will be no stormwater detention on site.
  13. Review by the Technical Committee prior to certification.
14. DP 2010- 60: HAMBURG PLACE FARM, PHASE 2, LOT 17 (AMD) (12/28/10)\* - located on Sir Barton Way.  
(Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reduce the size of Lot 17 and to revise the parking layout.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Correct planning Commission certification date.
5. Addition of bearings and distances for Lot 17.
6. Revise the lot lines to include all of the proposed access easement on the adjacent property not shown on the approved record plat (PLAN 2010-50F).
7. Review by the Technical Committee prior to certification.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration for discussion purposes.

Planning Commission Comments – The Chair asked if anyone in the audience or on the Commission wished to discuss any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Cravens and carried 9-0 (Brewer abstained from voting on PLAN 2010-104; Copeland and Paulsen absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

#### **1. FINAL SUBDIVISION PLANS**

- a. PLAN 2010-100F: NDC PROPERTY (WELLINGTON), UNIT 1-B, SECTION 2, LOTS 19 & 20 (AMD) (12/2/10)\* -  
located at 209 Ruccio Way. (Council District 9) **(Foster-Roland, Inc.)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding a potential conflict with the property line proposed and the approved development plan.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and tree canopy information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Denote all private utility providers.
9. Denote reciprocal parking and access, per approved development plan.
10. Denote property owner and developer's information.

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11. Denote the agreed judgment for the property and its date.
12. Addition of access maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
13. Addition of location of control monuments required by Article 6 of the Land Subdivision Regulations.
14. Correct land surveyor and engineer's certification.
15. Addition of adjoining property (dashed lines) information for 225 Ruccio Way.
16. Increase text size for plan notes.
17. Discuss property line conflict with the approved final development plan.

Staff Comment – Mr. Sallee directed the Commission's attention to the NDC Property (Wellington), Unit 1-B, Section 2, Lots 19 & 20 (AMD), which is located at 209 Ruccio Way. He noted that the purpose of this amendment is to subdivide one lot into two lots.

Mr. Sallee said that the Subdivision Committee had recommended postponement of this item at their October 7, 2010, meeting, as did the staff. He said that there is no representation present at today's meeting; therefore, the staff requests postponement of PLAN 2010-100F to the November 11, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer, and carried 9-0 (Copeland and Paulsen absent) to postpone PLAN 2010-100F to the November 11, 2010, Planning Commission meeting.

*Note: Ms. Copeland arrived at this time.*

- e. PLAN 2010-106F: TUSCANY, UNIT 6, SECTION 1, LOTS 1 & 2 (12/2/10)\* - located at 2599 Old Rosebud Road (a portion of). (Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the extent of the preliminary subdivision plan.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of property owner and developer's information.
10. Correct vicinity map.
11. Denote that certification of preliminary subdivision plan must occur prior to certification of record plat.
12. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
13. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.
14. Resolve the need for a temporary turnaround.

Staff Presentation – Ms. Gallt directed the Commission's attention to the rendering of the Final Record Plan for Tuscany, Unit 6, Section 1, Lots 1 & 2, which is located on a portion of 2599 Old Rosebud Road. She oriented the Commission to the surrounding street system, and said that the subject property is located off Sir Barton Way near Ogden Way.

Ms. Gallt noted that the subject property is zoned R-3, and said that the purpose of this plan is to subdivide one lot into two lots. She then said that the Subdivision Committee had recommended postponement of this plan at their October 7, 2010, meeting. Since that time, the staff had received a revised plan for this property that addresses the Committee's concerns. In addition, the applicant's engineer had informed the staff that the request for a waiver to the Land Subdivisions Regulations has been withdrawn. Based on the revision, and the withdrawal of the waiver, the staff can now recommend approval of the plan, subject to the following revised requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. ~~Denote: This property shall be developed in accordance with the approved final development plan.~~

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8. 9. Addition of property owner and developer's information.
- ~~10. Correct vicinity map.~~
9. 11. Denote Provided that certification of preliminary subdivision plan must occur prior to certification of this record plat.
10. 12. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
- ~~13. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.~~
- ~~14. Resolve the need for a temporary turnaround.~~
11. Delete note #12.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's revised recommendations, and requested approval.

Commission Comment – Ms. Copeland asked why condition number 8 had not been corrected. Mr. Kahly said that the property owner's name was added to the revisions, and essentially the property owner is the same as the developer. Ms. Copeland then asked if the property owner's name is listed on the new submittal. Mr. Kahly replied affirmatively, and noted that the word "developer" needed to be added, as well.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Holmes, seconded by Mr. Cravens, and carried 10-0 (Paulsen absent) to approve PLAN 2010-106F, subject to the revised conditions submitted by the staff.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Paulsen absent) to approve the release and call of bonds as detailed in the memorandum dated October 14, 2010, from Ron St. Clair, Division of Engineering.

VI. **COMMISSION ITEMS** - The Chair asked if there were any Commission items to bring forward to discuss at this time.

- A. **PFR 2010-5: BLUEGRASS COMMUNITY AND TECHNICAL COLLEGE** – a Public Facilities Review of redevelopment of the Eastern State Mental Hospital property for the new Bluegrass Community and Technical College campus located at 627 West Fourth Street.

Staff Presentation – Ms. Rackers stated that the Bluegrass Community and Technical College (BCTC) had requested a Public Facility Review for the redevelopment of the Eastern State Mental Hospital property located at 627 West Fourth Street. She said that the site is zoned A-U and consists of approximately 48 acres. She directed the Commission's attention to the map of the overall area, and said that the area surrounding the site consists of several different zones. These zones include A-U and I-1 to the north; I-1 to the south; R-3, R-4 and I-1 to the east; and R-4 and B-1 to the west. She said that the uses adjacent to or near the subject property include residential and commercial; Coolavin Park and the LFUCG horse barn; property owned by Transylvania University, YMCA and the Hope Center. She noted that the subject property is at the corner of Newtown Pike and West Loudon Avenue and is adjacent to the R.J. Corman railroad tracks.

Ms. Rackers then stated that the subject site is currently the Eastern State Mental Hospital property. Eastern State will be relocating to the Coldstream Research Campus, which will allow this property to be redeveloped. The Bluegrass Community and Technical College is proposing to renovate several of the buildings, as well as provide new construction. She said that the proposed gross floor area will be approximately 1,132,000 square feet, and will accommodate 12,500 students, faculty and staff when complete. She directed the Commission's attention to the rendering of the Newtown Pike Campus Master Plan, and said that the campus renovation will take place in 4 phases over a 20-year period. She then said that these phases will include the demolition of 555,000 square feet of building, the renovation of two existing buildings, as well as construction of new buildings that will be between 955,000 to 1,075,000 square feet. As part of this renovation, there are three proposed accesses into the site: one from Loudon Avenue, one from Newtown Pike and one from West Fourth Street, with the possibility of an additional access from West 5<sup>th</sup> Street in the future, as well as associated parking being provided throughout the campus.

Ms. Rackers said that in reviewing the 2007 Comprehensive Plan, this area is recommended for Other Public Uses (OPU). This recommendation reflects the historic use of the property as the State Mental Hospital, as well as the proposed future use as an educational institution. She stated that there is no known opposition to the proposed use, nor is there anything in the Comprehensive Plan Goals, Objective, or Text in opposition to the change in use. In fact, several public meetings were held that allowed residents, property owners and other stakeholders the opportunity to provide their input concerning the redevelopment of the area, as part of the formulation of the Central Sector Small Area Plan adopted, as part of the Comprehensive Plan in April of 2009.

Ms. Rackers said that the Eastern State Hospital has occupied this location since the late 1800s. At a recent Planning Commission hearing, a Public Facility Review was presented for relocation to the Coldstream Research Campus, and was found to be in compliance with the Comprehensive Plan. With the hospital's relocation an opportunity was presented for the

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Bluegrass Community and Technical College to occupy and develop this property, which will allow the University of Kentucky to assume responsibility of the Cooper Drive campus near the KET building.

Ms. Rackers then said that the redevelopment potential for the overall area consists of 88 acres, and BCTC is only a portion of this area (48 acres). The future land use recommendation is for a mixture of uses, including possible expansion of the YMCA building on Loudon Avenue. She said that there will be roadway improvements, as well as the bike and pedestrian improvements, including the Legacy Trail that will run along West 4<sup>th</sup> Street. An important aspect in developing this property is to preserve open space and to provide bike and pedestrian access to the property.

Ms. Rackers stated that the Old Laundry Building will be a major focal point of this development. Being an old building, it needs to be stabilized. The applicant is proposing to renovate the building and use it as an interpretive center or an arts building. She then said that the Bluegrass Community and Technical College has applied for federal funding to help with the cost of this renovation. She then said that the historic "Pleasure Grounds and Farm" is located at the front of the property and this area will be used as open space. Preservation and adaptive reuse of the historic buildings and other aspects of the property supports Goal 5, and several of its Objectives, as well as Goal 3, Objective 4; Goal 4, Objective G and Goal 12, Objective I. In addition to the preservation of that portion of the property, a community garden is being proposed for the northeast corner of the site along Loudon Avenue. She said that this will help Bluegrass Community Technical College fulfill one of its goals in redeveloping the property – i.e., making the campus a memorable and vibrant destination.

Another goal of Bluegrass Community Technical College is to ensure that Best Management practices are used with regard to sustainability in order to become LEED (Leadership in Energy and Environmental Design) certified with a minimum Silver rating. This means that the development must meet a certain number of points within a certification range. Others include supporting campus community and student retention; strengthening connections between the campus and the community and surrounding development, as well as supporting ongoing assessment and innovation vital to continuing excellence. There should be sense of identity and completeness at every phase of the development, and a safe and healthy work and study environment for the students, faculty and staff should be created. Ms. Rackers said that one of the main tenets of the Comprehensive Plan is energy efficiency and environmental responsibility, which is supported through use of the LEED certification system. She said that the campus wants to achieve a Silver rating, which means that they will need to attain a number of points within a certification range (between 50 to 59 points out of a possible 110). This rating is based upon environmentally friendly acts that are taken during construction, and use of the building. She noted that to ensure environmental sustainability of the new campus constructions, the State has invested over \$5 million in design guidelines and construction techniques.

Ms. Rackers said that there are two issues that need to be addressed prior to developing this property. One of those issues is the cemetery at the northeastern corner of the property. She said that during the construction of Loudon Avenue, 4,500 unmarked graves were found on the Eastern State Hospital Property, at which time, they were relocated to a cemetery on the subject property. She added that, as the property develops, the site will be continually monitored for any other unmarked graves; and if more are discovered, those graves will also be relocated to that cemetery. Ms. Rackers noted that even though BCTC is not subject to Zoning Ordinance requirements, the staff is recommending that the cemetery have a 50' buffer area surrounding the cemetery, to include landscaping with trees and hedges, as well as provide a minimum 3' high fence, as stated in Article 18 of the Ordinance.

Ms. Rackers stated that the other issue with this development is the Royal Spring Aquifer Wellhead Protection Area just outside the property boundary. She said that although the development is not actually within the Wellhead Protection Area, some form of water quality control should be in place to minimize the potential for ground water contamination. She noted that the Royal Spring Aquifer is the drinking water supply for parts of Scott County, and protection is essential. She then said that Best Management Practices should be incorporated in developing this site. It can be assumed that that will be the case since the facility will be LEED certified.

Ms. Rackers concluded by saying that this Public Facility Review finds the proposed development of the property to be in compliance with the 2007 Comprehensive Plan, and the staff is recommending approval, subject to the recommendations listed in the staff report

Representation – Stan Harvey, Urban Collage, was present representing the applicant. He indicated that he had no further comment to add.

Commission Comments – The Chair asked if anyone on the Commission wished to discuss this request. Mr. Owens said that he is looking forward to this area being redeveloped. He then said that, in reviewing the staff report, the applicant has made a request for federal funding to help with the renovation of the historic Laundry Building, and asked what will happen if that funding is denied. Mr. Harvey said that the Laundry Building structure needs to be stabilized. In speaking with the State, a certain amount of funding had been allocated for the other structures. Should the funding for the Laundry Building be denied, they will search for other partnerships or historic preservation organizations to help with the additional funding. He said that they have also considered obtaining National landmark status for the Laundry Building, which would then make the building eligible for tax credits.

Mr. Owens said that the staff report indicated that it is logical to assume that LexTran Wheels bus would provide service to the new BCTC campus, and asked if the applicant has contacted them. Mr. Harvey replied that they have had two work sessions with LexTran regarding bus service to this property, and they have indicated that they prefer to have a dedicated facility on

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Newtown Pike. He then said that LexTran also indicated that as 4<sup>th</sup> Street develops, they would like to have a Northside transfer station.

Mr. Owens asked if the applicant is in agreement with the two recommendations made by the staff. Mr. Harvey said that he does not believe the applicant would have any objections with the staff's recommendations. He noted that during the first phase of construction, landscape buffering around the cemetery will be provided, as well as Best Management Practices being utilized. He then noted that the Hope Center does share a boundary with the cemetery, and providing a landscape buffer between these two properties would not be possible, but as for the other sides of the cemetery, landscaping and buffering would be installed.

Ms. Roche-Phillips asked if there would be a tax advantage since this is a State entity. Mr. Harvey replied that, in speaking with the Heritage Council, it was determined that if a nonprofit organization were to apply, it would be transferable.

Ms. Copeland asked if the number of students attending the Cooper Drive campus was used to estimate the potential number of students for the Newtown Pike campus. Mr. Harvey said that the Cooper Drive campus has approximately 4,700 full-time students; and the Leestown campus offers vocational classes. Ideally, the other Lexington campuses will merge together at some point. He said that for the Newtown Pike campus, it was estimated that there would be 8,000 full-time students over the next 20 years. Since this site is somewhat restricted with the layout of the buildings, some of the buildings will be more than one story. Ms. Copeland said that the presentation made by the applicant's architect had shown the buildings being 3 stories above ground, which is below residential scale in the downtown area. Mr. Harvey said that they had spoken with the community concerning the first phase of construction, and they had specifically requested that the buildings fronting Newtown Pike be kept at 3 stories. This request is due to the single family residential area across from the campus. He said that their proposal is to have the buildings fronting Newtown Pike be no taller than 3 stories, while the interior buildings will be more than 3 stories. Ms. Copeland commented that they are not using the "Form Follows Function principle." In response, Mr. Harvey said that they are trying to create a transition from a single family residential area to a higher density campus.

The Chair said that this will be a wonderful addition to the city. She then asked for guidance from the Department of Law, as to how the motion should be presented. Ms. Boland said that the purpose of a Public Facility Review is to determine whether and to what extent this proposal complies with the 2007 Comprehensive Plan. She then said the Commission would make a motion either accepting or rejecting the staff recommendation as it was presented.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action: A motion was made by Mr. Owens, seconded by Mr. Brewer and carried unanimously (Paulsen absent), to approve the Public Facility Review for property located at 627 West Fourth Street, as presented by the staff.

**VII. STAFF ITEMS** – The Chair asked if there were any Staff items to bring forward to discuss at this time.

**A. UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for October 21, 2010.

**VII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

**VIII. NEXT MEETING DATES -**

Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	October 21, 2010
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>October 28, 2010</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	October 27, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	November 4, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .....	November 4, 2010
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>November 11, 2010</b>
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>November 18, 2010</b>

**IX. ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:15 PM.

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Carolyn Richardson, Chair

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Mike Owens, Secretary